



General Assembly

Substitute Bill No. 5444

January Session, 2011

* HB05444INS 030911 *

AN ACT CONCERNING THE VALUE OF A TOTALLED MOTOR VEHICLE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-353 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) Whenever any damaged motor vehicle covered under an
4 automobile insurance policy has been declared to be a constructive
5 total loss by the insurer, the insurer shall [, in calculating] calculate the
6 value of such vehicle for purposes of determining the settlement
7 amount to be paid to the claimant. [, use at least the average of the
8 retail values given such vehicle by (1) the National Automobile Dealers
9 Association used car guide or any other publicly available automobile
10 industry source that has been approved for such use by the Insurance
11 Commissioner, and (2) one other automobile industry source that has
12 been approved for such use by said commissioner.] For the purposes
13 of this section, "constructive total loss" means that the cost to repair or
14 salvage damaged property, or the cost to both repair and salvage such
15 property, equals or exceeds the total value of the property at the time
16 of loss.

17 (b) The insurer shall provide to the claimant, not later than the date
18 the insurer pays the claimant the settlement amount for such vehicle,
19 (1) a detailed copy of such insurer's calculation of such vehicle's

20 constructive total loss value, (2) if applicable, a copy of any valuation
21 report provided to the insurer by any automobile industry source that
22 is not publicly available, and (3) a written notice disclosing that the
23 claimant may dispute such settlement amount by contacting the
24 Insurance Department. The written notice shall include the following
25 statement, which shall appear in the final paragraph of the notice in
26 not less than twelve-point type: "If you do not agree with this
27 valuation, you may contact the Consumer Affairs Division within the
28 Insurance Department". The notice shall include the address and toll-
29 free telephone number for the division and the Insurance Department's
30 Internet address.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2011</i>	38a-353
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INS *Joint Favorable Subst.*